

立法會

調查廣深港高速鐵路香港段建造工程延誤的 背景及原委專責委員會

第八次研訊的逐字紀錄本

日期： 2015年11月3日(星期二)
時間： 上午9時30分
地點： 立法會綜合大樓會議室3

出席委員

廖長江議員, SBS, JP (主席)
李卓人議員
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證人

公開研訊

香港鐵路有限公司行政總裁
梁國權先生

Legislative Council

Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen- Hong Kong Express Rail Link

Verbatim Transcript of the Eighth Hearing
held on Tuesday, 3 November 2015, at 9:30 am
in Conference Room 3 of the Legislative Council Complex

Members present

Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Member absent

Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)

Witness

Public hearing

Mr Lincoln LEONG Kwok-kuen
Chief Executive Officer, MTR Corporation Limited

主席：

時間到了，人又齊了，我們的會議開始。請梁國權先生及其陪同人士進入會議室，謝謝。

首先歡迎各位出席"調查廣深港高速鐵路香港段建造工程延誤的背景及原委專責委員會"的第八次公開研訊。

今日向專責委員會作證的證人是香港鐵路有限公司行政總裁梁國權先生。梁先生，多謝你再次出席我們的會議，協助我們的工作。

專責委員會已經同意梁先生的要求，可以有陪同人士出席研訊。梁先生的陪同人士是金杜律師事務所合夥人、港鐵公司外聘法律顧問炳辰先生 **Mr David BATESON**；還有港鐵公司首席法律顧問包偉明先生；港鐵公司首席公司事務顧問王美琪女士；以及港鐵公司協調經理——高速鐵路吳嘉華先生。

我請陪同人士注意，上述所有陪同梁先生出席的人士均不可以向專責委員會發言。

本人提醒證人，本專責委員會沒有獲立法會授權行使《立法會(權力及特權)條例》(第382章)第9(1)條的權力，因此證人不受第382章賦予證人的特權所保障。在訊問過程中，根據第382章第18條的規定，對專責委員會提出在研訊主題上具關鍵性的問題，蓄意給予虛假的回答，或向專責委員會提交虛假、失實、捏造或者捏改的文件，而意圖欺騙專責委員會，即屬犯罪。但我相信證人會真誠地協助委員會的工作。

專責委員會已經制訂本身的《工作方式及程序》，本席請大家留意以下幾點。首先，第382章所訂的議員特權，只適用於研訊的過程。所有議員，包括非專責委員會委員的議員，都應該避免在研訊過程以外的場合發表與研訊有關的意見。另外，我想藉此機會提醒旁聽今日研訊的公眾人士及傳媒，在研訊過程以外的場合披露研訊中提供的證供，將不受第382章所保障。所以，如有需要，各位人士及傳媒朋友應該就其法律責任徵詢法律意見。

在稍後的過程中，本席會要求證人就其曾經向專責委員會提交的文件作出確認，將文件納入為專責委員會的證據。另

外，專責委員會已經決定，所有經專責委員會考慮並同意可以公開的文件，會上載至立法會網頁，供公眾查閱。現在時間到了，並有足夠的法定人數，我宣布研訊正式開始。

梁國權先生，港鐵公司曾於2015年8月14日向專責委員會秘書提供一份文件，即專責委員會文件第MTR4號，你現在是否正式向專責委員會出示該份文件為證據？

香港鐵路有限公司行政總裁梁國權先生：

是。

主席：

梁先生，我聽秘書說，你要求在研訊開始之前作開場發言，是嗎？

香港鐵路有限公司行政總裁梁國權先生：

是的。

主席：

請開始，謝謝。

香港鐵路有限公司行政總裁梁國權先生：

多謝主席。

主席，各位委員，上次向各位交代之後，知道委員還有事情想了解，我會盡力回答大家的提問，不過不好意思，大家都知道我的中文不太好，為了可以準確表達我的意思，就像上次一樣，我繼續用英文回答。

主席：

梁先生，這是你的權利，其實你的中文都講得很好。

香港鐵路有限公司行政總裁梁國權先生：

多謝主席。

主席：

我想問一問，你是否不介意我用中文，因為我一直都用中文。

香港鐵路有限公司行政總裁梁國權先生：

我不介意，主席。主席，我還想以英文陳述一些內容，可不可以講一講？

主席：

當然可以。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Honourable Chairman and Committee members, thank you for giving me the opportunity to provide information to the Select Committee on the Express Rail Link project. I would start off with an update on progress of the project.

Subsequent to the Select Committee hearing on 15 July, we have provided supplementary information requested by the Select Committee to the best of our ability. To address members' concerns, the supplementary information covers a wide range of issues, including project management and monitoring, as well as details of the delay recovery measures.

With the continuous efforts of our project team, I am pleased to report to members that as of today, the overall completion progress of the Express Rail Link project is 74%. We have made significant progress in a number of key areas. The 25-kilometre twin track underground tunnels are over 99% bored through with only approximately 100 metres left to go. It is expected that full tunnel breakthrough will be achieved before the end of the year. The structural works for all 14 buildings in Shek Kong Stabling Sidings and Emergency Rescue Siding have been completed and the architectural builder's works are progressing steadily.

Progress has also been made at the West Kowloon Terminus. By adopting blasting in parallel with mechanical methods, the overall excavation of the terminus is 95% complete, whilst 63% of the concrete structure has been cast. The pace of steelwork fabrication and erection has also been improving. For the rooftop structures, fabrication of all temporary steel has been completed, while fabrication of the permanent steel is 61% complete.

The on-site erection of both is now well underway.

The electrical and mechanical, or E&M, works are also making good progress with overall completion at 50%. About 75% of the track areas are available for overhead line installation and track-laying with half the tracks now laid. At West Kowloon Terminus, E&M contractors now have access to about 95 000 square metres of work space and building services installation has commenced in the platform areas on level B4.

As you are aware, the Express Rail Link is a large, complex and challenging project. It is the world's first all-underground high-speed railway project, which includes a fully underground terminus in the heart of the city at West Kowloon. The West Kowloon Terminus site occupies 11 hectares of reclaimed land. It is bounded by Kowloon Station to the west, Austin Station to the east and the West Kowloon Cultural District to the south. The terminus is the largest deep excavation undertaking ever carried out in Hong Kong. The presence of operating railway lines, high-rise buildings and busy main roads nearby adds to the complexity of the engineering challenges.

The project also involves 25 kilometres of twin track underground tunnels connecting West Kowloon Terminus with the boundary between Hong Kong and Shenzhen. The degree of engineering difficulty is significant.

As previously reported, the key causes of the delay in the construction of the Express Rail Link include tunnel boring machine issues, the fast-tracked front end of the project and late site possessions. Furthermore, unfavourable ground conditions, such as higher-than-expected rock head levels, weak seams and the presence of cobbles and boulders, have also been a significant cause of delay.

At the same time, overall labour shortage of about 20% has significantly impacted the five railway projects which were being constructed concurrently, including the Express Rail Link. Since the commencement of construction, work sites have experienced difficulties in filling vacancies across all skill sets. As mentioned in the Second Report by the Independent Board Committee, a shortage of workers and supervisors has posed significant challenges to the construction programme of the Express Rail Link.

Despite these challenges, we have taken our role and responsibility as the project manager very seriously. The Corporation has all along acted in accordance with the Entrustment Agreements, which require us to oversee the design, construction and commissioning of the project. To this end, we have used our best endeavours to bring the project forward and, at the same time, provide regular updates and progress reports to the Government, as well as to

the Legislative Council Subcommittee on Matters Relating to Railways.

While there are still challenges in the remaining construction works, as the project manager, we continue to use our best endeavours to deliver the project according to the revised timetable. We have submitted the latest estimates of the cost-to-complete and programme-to-complete to the Government at the end of June. The Government has since requested additional information which we have provided accordingly.

Please be assured that the Corporation and the Government share the same objective of delivering the project as quickly as possible in the most cost-effective manner. Although the project may not have progressed as originally planned, more than 7 000 women and men are working hard day and night to push it forward. The MTR Corporation remains fully focused on the important task of delivering a world-class high-speed rail to support Hong Kong's continual development and growth.

Thank you very much, Chairman and members.

主席：

Yes, Mr Leung, thank you. Do you formally ... 對不起。梁先生，現在你是否正式向專責委員會出示你的開場發言稿作為證據？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, Chairman.

主席：

我提醒各位委員，根據專責委員會《工作方式及程序》第15段，在公開研訊中，委員只應為確立與專責委員會的調查相關並屬於調查範圍內的事實而提問。委員不應在研訊中發表意見或作出陳述。我會根據《工作方式及程序》第16(e)段決定，某些問題或某項證據是否與專責委員會的職權範圍所載的調查相關並屬調查範圍內。根據《工作方式及程序》第16(f)段，委員可提出簡短的跟進問題，並圍繞原來問題追問更詳細答案，或要求澄清所給予的答案。而我作為主席有酌情權，決定某條問題是否屬於跟進問題，以及應否容許委員提出該問題。另外，每名委員的提問時限是10分鐘，包括證人的回應。委員可以選擇向一位或兩位證人提問，但很明顯，我們只有一

位證人出席這次研訊。

現在，研訊正式開始。為了善用研訊的時間，請委員的提問盡量精簡和具體，而證人應該明確、到題地切實回應，大家不要浪費時間。現在開始提問，提問連回答共10分鐘。

盧偉國議員。

盧偉國議員：

多謝主席。主席，我有好幾個問題。第一個問題，我想就高鐵香港段工程早期估算的費用作出提問。主席，我想透過你問梁先生，根據廣深港高速鐵路香港段獨立專家小組報告的資料，當中提及在2009年4月8日港鐵公司就高鐵香港段工程項目的委託費用估算是950億元，但在2010年1月16日該工程項目的委託費用估算修訂為650億元，兩者差距非常大。所以，主席，我想知道梁先生可否在今天的會議解釋一下，為何在這麼短的時間內，即2009年4月8日至2010年1月16日期間，估算會有如此大的減幅，即減少了300億元？是否第二份委託協議書中關於風險釐定的問題令港鐵公司敢於作出如此取進的估算，因而與第一次估算有如此大的差距，抑或有其他原因呢？請先回答此問題。

主席：

我想問一問盧偉國議員，你所說的工程造價估算與風險評估是否有關？

盧偉國議員：

我想問呢，當然，梁先生可以就其所知解釋該差距，不過我想依循的其中一個方向，便是這樣訂定會否太進取？而採取如此進取的方法，是否與大家合作推展此項目，承擔風險的方式有關？或者我再問第二個有關風險的問題，就是梁先生作為港鐵公司的前財務總監，對於港鐵公司以服務經營權模式建造高鐵香港段的項目，即由港鐵公司管理鐵路的建造，政府支付鐵路的建造管理費用，其實曾否分析這方面的風險狀況？就這種新的合作模式的風險而言，其實他當時有否作出任何估算？

主席：

梁先生，請你嘗試回答。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

Firstly, on the cost estimate, as members are aware, there were many experts involved, at the initial stages in 2008 and 2009 and 2010, in advising on different aspects of cost, experts that were appointed by the Government and ourselves. The migration of the cost estimates are well highlighted in the IEP report. In fact, it is on page 61 of their report. As the Honourable Member mentioned, back in April of 2009, there was a very initial estimate that was close to HK\$95 billion.

However, as well, also highlighted in the IEP report, from April to September of 2009, there were reductions in scope of the project. As members are aware, reduction in scope would also bring about reduction in cost and cost estimate. The reduction in scope, which is highlighted on page 62 of the Government's IEP report, includes the reduction in the number of tunnel boring machines from nine to six; it includes the deletion of Platform Screen Doors; it includes a change of the Vent Building to an Emergency Access Point. These reductions in scope allow for a reduction of that cost estimate down to \$73.9 billion, as highlighted in the IEP report.

At the same time, the Government had their own independent assessment of costs. They had Jacobs, as I understand, being their adviser on the cost-to-complete.

What I would further like to highlight, and this is well highlighted in the IEP report as well, is that, subsequent to the tendering of all contracts, in fact, the contracts came in at a much lower amount than the original estimate, and this is highlighted in paragraph 331. Indeed, regarding the 49 contracts that were investigated and reviewed by the IEP, those 49 contracts came in at an amount of \$13.7 billion below the original estimates that were done back in 2009 and early 2010.

Thank you, Chairman.

主席：

盧偉國議員。

盧偉國議員：

主席，似乎梁先生的答案沒有提到因為風險承擔方面有所不同而令估算有如此進取的情況。梁先生也說了，實際上收到的投標價格也真的符合他們下調後的估算……

主席：

他說工程範圍也減少了。

盧偉國議員：

另一方面，內容方面也有所不同。我想進一步提問，如果回頭看，當時是否因為估算內容方面有所調整，所以得出比較客觀的估算。實際上，據梁先生剛才所述，投標所得的價格似乎也印證了估算沒有很大的落差。但是，今天的超支情況真的很嚴重，是否顯示在項目管理方面，特別是成本方面，出現了甚麼問題，以致今天有如此大的升幅呢？

主席：

盧偉國議員，我相信今日超支的問題並不是我們委員會要調查的範圍，如果你所說的超支是因為去年4月的延誤而產生的，你可以作出提問，但之後累積到今天為止的超支，則不屬於我們的調查範圍。

盧偉國議員：

不如我改用另一個較具體的方式來提問。目前，在香港段工程的40多份合約中，有多少份合約未能如期開工？如果未能如期開工，可能完工日期也需要相應調整，這會否成為多份合約滯後的原因呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Honourable Member, thank you for that question.

Firstly, as members are aware, the Express Rail Link is a very large and

very complex project, as we have highlighted before. Difficulties encountered during construction would be inevitable for a project of this nature; and, of course, when the project team comes across these difficulties, they do their utmost to overcome delays. There are a number of, many, interfaces between contracts in the Express Rail Link. Some of these interfaces are well highlighted in the IEP and the IBC reports. These interfaces may result in certain contracts being, perhaps, slightly later tendered out than originally estimated; but the team, as always, in their professional manner, would use their utmost to catch up the original schedule by using delay recovery measures and other measures.

主席：

盧議員。

盧偉國議員：

主席，我想進一步提問，就是牽涉到延誤的問題。我相信都要看風險管理工作是否足夠。風險管理往往有兩種模式，其一是所謂定性的風險管理模式，另一是定量的風險管理模式。就這方面，根據港鐵公司提供的文件，港鐵公司以往採用定性的模式，包括高鐵香港段都是採用定性模式進行施工方面的風險管理工作。梁先生會否再檢視，在定性及定量風險管理模式之間所作的選擇是否恰當？如果你回頭看，採用一些定量的方式對於風險方面，即管理延誤的工作，是否會有所幫助呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, Honourable Member, for that question.

The Honourable Member is absolutely correct to say that, generally, there are two ways of assessing risk: one is a qualitative approach and the other is a quantitative approach. In terms of looking at schedule risk and timetable risk, MTR has, historically, used a qualitative approach. This approach is in line with our project management systems. Now, this project management system is a system that was reviewed by a number of experts back in 2008 and 2009. In fact, those experts, both employed by the Government and MTR, have noted the robustness and the good control and

excellence of the project management system which uses a qualitative assessment approach for programme.

I would also add, as highlighted in my written response to a similar question from the last Select Committee meeting, that, from a cost-to-complete perspective, we do use a quantitative approach. So we have, historically, used a qualitative approach, in line with our project management systems, for schedule, for timetable; and a quantitative approach for costs.

主席：

盧偉國議員。

盧偉國議員：

是。高層工程管理的人手是否足夠，對於這個項目的管理工作亦相當重要，因為除了高鐵香港段外，同一時間還有好幾個大型鐵路項目正在進行，而港鐵公司是由一個工程總監負責這5個興建中的鐵路項目的；即使具體負責的人員會有變動，但實際上都是由一個工程總監負責這幾個同時進行的鐵路項目。其實，這樣的工作量會否太重？回頭看時，是否有其他管理上的安排可令高鐵香港段的監督進度工作及風險管理工作做得更細緻，避免出現太多的延誤？

主席：

在工程方面，當時有沒有足夠的專業支援？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, I thank you for that question.

We, the MTR, have a very professional project management team. In fact, today, that team has around 3 000 colleagues. Each of the projects that we are undertaking is controlled and managed by a separate team, so there is a separate project manager for each of the new rail projects, including the Express Rail Link. Those project managers, of course, report to the Projects Director. I truly believe that we have not just a very professional and highly-qualified project management team in our projects division, but they are industrious and they seek solutions to issues when they arise. And it is a very professional team.

Thank you, Chairman.

主席：

Yes, I think the question ... sorry. 問題是在於 were they adequate?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, in assessing the project management systems, I think the IBC has also looked at this matter and commented that the project management team is highly professional and has done its best to catch up with schedule delays whenever those issues arose.

主席：

是。回答了你的問題嗎，盧偉國議員？

盧偉國議員：

回答了。主席，在這個環節，我想問最後一個問題，因為我剛才所問的都是從港鐵公司管理層的角度看風險管理、項目進度及延誤的問題。從另一個層面而言，就是承建商方面，根據梁先生的經驗，你覺得現在負責高鐵項目的承建商是否真的很配合推動高鐵項目？另一方面，就監督與推行項目方面而言，港鐵公司的管理工作又是否做得足夠？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

We share the same objective as the contractors. The contractors have the same objective to complete the project, complete this project as quickly as possible. There is, as highlighted in the IBC report, very good and significant project management over these contractors. So, the contractors and ourselves have and share the same objective.

盧偉國議員：

好，主席，這個環節我暫時提問至此，謝謝。

主席：

好。易志明議員。

易志明議員：

謝謝主席。

在此首先感謝梁先生再次出席我們的研訊。第一個問題。我們翻閱港鐵公司獨立董事委員會的第一份報告，當中提到"項目團隊對路政署保留了一些關鍵的項目進度的訊息"；而路政署鐵路拓展處處長陳志恩先生在其陳述書中表示，"儘管路政署按既定的匯報機制向港鐵公司要求提供資料，但是在有些情況之下，路政署不能夠適時地獲得這些資料"。我有下列5個問題。第一，對於獨立董事委員會第一份報告的相關內容及路政署陳先生指出港鐵公司有關的問題，我想聽聽梁先生對這些說法的回應，此其一。第二，為甚麼會發生這些問題呢？當中是否有港鐵人員的做法不妥當，甚至有過失呢？第三，就獨立董事委員會第一份報告所指，項目團隊對路政署保留了一些關鍵項目進度的訊息，你可否向我們交代一下，當中涉及甚麼關鍵項目和甚麼訊息？第四，你會否認為港鐵公司沒有適當及適時地向路政署提供項目的相關資料，原因是港鐵公司內部其實已經認為無法追回進度，但又不想這麼快便公開，因而故意採取下策？如果港鐵公司沒有出現這些問題，又為何有所隱瞞呢？第五，亦即最後一個問題，在高鐵項目延誤的問題上，你會否認同港鐵公司與政府之間的溝通及合作足夠，而目前的延誤是與政府無關？

謝謝主席。

主席：

梁先生，5條問題。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member.

Firstly, I would start by saying that there was full disclosure of all information to the Government, the Railway Development Office and other departments. This is well highlighted, I believe, both in the IBC and the IEP

reports. And I also believe that, when Mr K K LAU and Mr Henry CHAN were giving evidence, they also said that whenever the Railway Development Office asked for information or documents from MTR, MTR would provide the information or documents to them. This full disclosure is, I believe, well communicated or well highlighted in the reports by the Independent Board Committee of MTR, as well as the Independent Expert Panel from the Government. I think the IBC report goes on, in the same report that the Honourable Member mentioned, to say that the Government, RDO and MTR worked in a collaborative and co-operative manner.

I understand, and it is highlighted in the first IBC report, that the information which Mr K K LAU and Mr Henry CHAN were referring to may be information relating to events in November of 2013. Not forgetting, at that period, our Projects Director and our project team were still trying to get further information from the contractor of one key project, which was contract number 810A, to understand in full the timetable for their activities. Without having that understanding and that information from the contractor, it is very difficult to, and it would be inappropriate to speculate at that time. So I believe that the project team, at that time, was really waiting for the final timetable from the 810A contractor, which was only available in early 2014.

So, in summary, Chairman, my view is that, and this view is supported by the IBC and the IEP reports, there was disclosure in accordance with the Entrustment Agreement. The disclosure was in a timely manner, and there was adequate disclosure.

主席：

易志明議員。

易志明議員：

主席，我聽到梁先生的說法，你歸咎於一個特別項目，因為沒有一個充足的評估，所以你們 withhold 了一些 information。但如果你們告訴我你們與政府合作無間，我又不覺為甚麼不可以把這些問題拿出來說清楚以避免誤會，因為現在有兩項 accusations 指你們沒有提供足夠資料，予人蓄意隱瞞的感覺。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member.

Firstly, I would say that at no time was there any intent or any thinking

of hiding or withholding any information from any parties. There was significant disclosure of information as well as many, many meetings between the Government, representatives of the Government, MTR, as well as the so-called M&V consultant, Jacobs. As members are aware, Jacobs had undertaken over 250 audits in that period, so there was constant exchange of information as well as disclosure.

As I mentioned, and as highlighted in the IBC report, a collaborative and co-operative manner was taken in the discussions between the Government and MTR to resolve the problems that were coming up in the project. So, this was working together to resolve the problems coming up.

We take our responsibility very seriously under the Entrustment Agreement and we have acted, I believe, in accordance with our obligations under the Entrustment Agreement. Once again, the matter, which Honourable Member mentioned, relating to November 2013 was at a time when we, or MTR, as highlighted in the IBC report, were still awaiting a schedule, a timetable, from the 810A contractor to see whether this so-called minimum operating approach was feasible or not.

Thank you, Chairman.

易志明議員：

主席，我聽見梁先生說覺得他們沒有蓄意隱瞞，這即是回答了我第一組的問題。

主席：

是的。

易志明議員：

我第二個問題其實跟這種疑慮相關。有批評指，儘管我們知道這是一個很複雜的項目，但卻沒有所謂的 *integrated master plan*。這個項目分拆成40多份合約，既有開工期，亦有個別的完工期，然而，有些延誤導致部分後續的項目延遲開工，但又沒有修訂完工期。由於政府或監管部門沒有所謂的 *master plan*，看不到所謂的 *critical path* 影響至甚麼程度，這個項目的管理工作本身已經存在問題。但是，我們在上一次的研訊中聽到有些說法，指其實港鐵公司內部有一個所謂的 *master plan*，只是沒有拿出來與政府分享而已。

我聽見是這樣，如果我聽錯了，主席，你可以修正。

主席：

是的。

易志明議員：

我想問，既然你已具備，為甚麼不跟政府相關的監管部門分享，讓大家可以溝通得更好？這樣是否蓄意隱瞞？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

Firstly, as the Honourable Member has mentioned, there is such an integrated master plan and that integrated master plan is updated on a periodic basis, and also updated using the so-called P6 Primavera software format. This is in accordance with the MTR project management approach. On the member's question on reporting to the Government, there was, as I mentioned, and continues to be, very regular reporting to the Government. In fact, among the monthly reports or the reports going to the Government, many of them stretch over 200 pages. There was a lot of information in those reports.

主席：

我想問一問，就你所說的integrated master plan，當然一個這麼大的工程會涉及很多不同的範疇，是否一百件東西全部都有integrated master plan？如果有的話，是否只有港鐵公司知悉這個integrated master plan，政府知不知道這個integrated master plan呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, firstly, to confirm, there is this integrated master programme and, in fact, in addition to the integrated master programme, we have this thing called "Track Related Installation Programme" which also supplements the integrated master programme to look at, amongst other things, the installation of electrical and mechanical systems once or at the time the civil

works are completed.

Once again, as I mentioned, there was regular reporting to the Government and that included over 200 pages of reports on contracts as well as on cost and other aspects. Those reports were very much made on a very regular basis.

主席：

我想我不是說reporting的問題，如果你有這樣一個plan，一個physical的東西，是存在的，那麼政府是否有這個integrated master programme，這是否已經整個給了政府？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I am not in a position to answer that question. I will have to revert to you on that. What we are very clear of is the reporting on the regular basis that has been given to the Government, this 200-plus-page report which looks at and talks about the overall programme, individual contracts, as well as the cost aspects.

主席：

我想你在check清楚之後回來告訴我。原因何在呢？因為reporting是reporting，如果整個計劃是共用的話，政府又有否這個計劃？你是否全盤交給政府？即我不說reporting那部分，reporting那部分是你做了之後，根據你的plan向政府報告，但政府本身手上有沒有那個計劃來看你的報告呢，這也是很重要的，我想你check完之後回來告訴我，好嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Can I revert, Chairman?

主席：

是，謝謝你。

易志明議員：

謝謝主席，我還有一個問題想問。

梁先生你今天的發言稿第9段，其實你第一次出席研訊時，你的文件都有強調勞工短缺所產生的問題。我在此再次說，如果盧偉國議員也許記得，在2013年11月的事務委員會會議上¹，我們曾質疑你們有沒有面對勞工短缺的問題，因為這問題很可能是導致延誤的其中一個主要因素。但是，你們當時出席的同事再次強調，你們不受勞工短缺的影響。我還記得當王國興議員準備離開會議室時，他說非常讚賞港鐵公司能夠在如此困難的環境下做到，他甚至封你們為典範。現在，我一而再、再而三地在不同的文件看到港鐵公司開始提出勞工短缺對你們的影響。那麼，當時是否有所隱瞞呢？為甚麼當時你們不肯在席上承認你們是受影響呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

I was not at the particular meeting that the Honourable Member mentioned. However, the shortage of labour is a situation, as highlighted by a number of parties, that prevalent across the whole construction industry. In fact, I think, in the IEP report, there is a comment with regard to the labour situation and that comment is that, even back in July 2013, the President of the Hong Kong Construction Association has identified in a survey of his organization that a vacancy rate, a shortage rate, of 15% is prevalent across the industry, which equates, at that time, to 10 000 workers. So I would say that the shortage of labour is an issue that has impacted both the programme as well as, importantly, the cost of the Express Rail Link.

Once again, there is never any intent to withhold any information from anyone. I think this labour shortage situation is well-known in the market.

We have, as a result of this labour shortage situation, done quite a bit to try to encourage more workers to either join the industry or to encourage workers to come back into the industry. These include participation in job fairs, working with relevant government bureaux, enhancing the on-site situation for our construction colleagues, which have covered aspects like life insurance being provided, health checks, etc. So, we have done what we can to try to encourage more people to come into the construction workforce.

¹ 秘書處補註：有關會議是由交通事務委員會轄下鐵路事宜小組委員會所舉行。

易志明議員：

主席，我當然明白梁先生說甚麼，我們因為覺得當時勞工短缺問題可能會產生影響，所以我和盧偉國議員才會再三提出這個問題。但是在2013年11月，你們都不想admit承認你們受影響，是否因為你們擔心議員追問會否因此而出現延誤。當然，問你是不對的，因為不是你出席該會議。其實你們是想避開這個問題，但到了2014年終於"爆煲"。為甚麼不早點承認有此問題呢？多謝主席。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you again for that question.

I think we have actually been quite open about the shortage of labour and the impact of labour shortage on the projects, including the Express Rail Link. In fact, I have in front of me a letter of 22 January 2014 from the Transport and Housing Bureau to the Secretary General of the Legislative Council Secretariat. This must be in reference to the meeting on 22 November 2013.

In the annex to that letter, it is noted that, and I quote, "While the XRL project requires around 10 000 construction workers and technical professional staff, contractors have so far employed around 8 500." And it gives a breakdown of the shortage of 1 500. So I think there has been regular and full disclosure of the challenges which we were facing in labour shortage.

We have done and we do what we can to overcome those challenges, Chairman, and I have mentioned some of the items that we have taken to try to overcome those challenges.

主席：

好，謝謝。下一位是田北辰議員。

田北辰議員：

主席。我主要跟進上一次我和梁先生的對話，一段為時

12分鐘，另一段為時5分鐘，但問來問去都問不出甚麼，因為梁先生很棒，很懂得回答問題。不過，這次我真的要認真弄清楚。我上次想知道，港鐵公司在2009年跟政府達成協議，要在5年之內以600多億建成這條高鐵，這是否太樂觀？當時梁先生三番四次說，經過計算，是doable，doable。接着，我問當時你們其實明知勘探不足，既然知道勘探不足，怎麼可以樂觀地說，在5年內建成一條600多億的鐵路是doable呢？當時梁先生的答案是："There was a lot of work done and that work was also aided by a number of professional third parties in coming up with that programme. There was an agreement and, based on the work done, there was an assessment done, which was the schedule, the original programme", blah, blah, blah, blah, blah. OK.

好了，在陳述書第46段你也提到，在西九龍總站的工地勘測，平均每14.4米就有一個鑽孔，這個是符合標準的。但我所問的是，你與政府在2009年同意這個時間表及這筆建築費，在2010年來立法會申請撥款時，其實整條佐敦道及整個高爾夫球場完全沒有勘探過。根據我的紀錄，你是在2010年3月在高爾夫球場進行每隔14.4米的勘探，當時已經獲立法會通過撥款。問題是，為何港鐵公司可以如此厲害，在進行勘探之前便已知道勘探的結果？事實上，由始至終佐敦道都沒有進行勘探，因為封路很麻煩。結果就是今天我們所知的，全因為護土牆需要修建在佐敦道下面，才可以挖掘那些花崗岩，而那個護土牆的工程已延遲了一年。那麼，你當時在2009年、2010年年初是完全沒有進行過這兩方面的勘探，但竟然說這些事情已做足了。這些事情做足，是在撥款之後才發生的事，我現在問的是，當時與政府協議2015年通車，費用達660多億、670億元，那時候完全沒有這些資料，但梁總裁你卻三番四次說"there was a lot of work done"。可是，這些work done，was after the agreement between you and the Government on the time frame ...

主席：

田北辰議員。

田北辰議員：

... and the expenses。是。

主席：

你一是用中文，或者用英文，否則很難記載你的發言。

田北辰議員：

你想我用一種語言，是嗎？

主席：

是的，盡量。

田北辰議員：

因為我認為如果用雙語，我比較容易表達。

主席：

是。

田北辰議員：

不過沒問題，我猜梁總裁能聽得明白。

主席：

盡量吧，好嗎？

田北辰議員：

好的，好的。是，梁總裁。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, ...

田北辰議員：

我始終要弄清楚這件事。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, Honourable Member, for that question.

As the Honourable Member mentioned, there was a lot of work done before the signing of the Entrustment Agreement and there were a number of experts and third parties involved, both from the Government as well as from ourselves. There was significant site investigation done prior to signing the so-called EA2. As the Honourable Member mentioned, however, at Jordan Road, we could not do site investigation there because of the volume of traffic and it was inappropriate to close the road to do site investigation. On the golf driving range, the golf driving range in West Kowloon, as the Honourable Member mentioned, there was site investigation done after we took possession of the site.

With large, complicated projects like the Express Rail Link, there is a lot of work that needs to be done in the initial stages and there is, in the assessment of the cost-to-complete, a contingency. There are matters which would always impact the project that would not be known at the beginning of the project. The contingency is there to take care and address those issues.

I would highlight once again that, after the tender contracts came back, and this is well highlighted in the IEP report, because of the lower tender prices, the amount of contingency actually increased very significantly. So, the use of the contingency is to allow for unknown factors which may not have been known at the time of entering into the project agreement.

I would further add, in terms of the granite, that the presence of the granite is known. It is just the formation of that granite that was, perhaps, less certain and the issue was that the granite can be removed. It is a question of time to remove it.

田北辰議員：

主席，這個正正就是問題所在。據梁先生所說，他明知道當時勘探不足的程度是，整條佐敦道，即整個護土牆的位置，完全沒有進行勘探，以及整個高爾夫球練習場也沒有進行勘探。我猜大家都知道那個場地有多大，正正佔了今天西九龍總站的大部分。在2010年前來立法會申請撥款時，如此關鍵的護土牆的位置及整個高爾夫球場均沒有進行過勘探。梁先生說，金額的預算較寬鬆，他認為如果真的有意想不到的事情發生，可以用金錢解救。但時間呢，梁先生？時間是用錢買不到的。

那麼時間方面怎麼辦呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Firstly, Chairman, perhaps, I could just comment on the site investigation. There was significant site investigation done and, as I had mentioned last time, the site investigation was in line with government guidelines and, in fact, of a higher standard, or more ...

田北辰議員：

但是，梁先生，不好意思，你正在重複。你之前已經承認，最重要的兩項勘探是在2010年3月之後才進行的，而佐敦道根本從來沒有勘探過。你剛才只不過回答說，金額預算方面很寬鬆，認為就算有意想不到的事情出現，都能夠補救。但是現在我問的是時間，時間是買不回來的。5年的時間，你怎麼可能估計到，85 000立方米的花崗岩全部在佐敦道下面，要挖掘得如此辛苦，是嗎？那時候你是否真的太樂觀？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, so, with the adequate site investigations that were done for the project, with regard to the timetable, as members are aware and well highlighted in the IEP report, there were a number of third parties that reviewed and looked at the timetable and the programme-to-complete together with MTR. And, all along, the views that we have from the third parties are that the timetable is doable but tight.

田北辰議員：

現在說的是在2010年前來立法會申請撥款，梁先生，不是說幾年後的事。那時候如此大範圍的地方沒有進行勘探，你憑甚麼竟然可以"拍心口"說5年內交貨？你是否承認當時非常粗疏？不是你，不是你本人，OK？整個港鐵公司高層、主席、董事局是否非常粗疏？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

Once again, it is my view, and from all the reports that we have seen, that adequate site investigation had been done. That is ...

田北辰議員：

你怎麼可以說這句話呢？你剛剛才承認，在2010年1月前來立法會申請撥款時，上述那兩個地方完全沒有進行過勘探。你現在怎麼可以說，你覺得是adequate呢？

主席：

或者給機會梁先生回答。

他的意思是，你在這麼重要的位置沒有進行勘探，怎麼可以承諾說5年內可以完成這項工程？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I thank you for that question, Chairman.

Not forgetting that the site investigation, and I apologize if I am repeating myself here, the site investigation was of a standard that met government guidelines and a higher standard than across the construction industry. The West Kowloon Terminus is 11 hectares, and the Jordan Road area is but one part of that, and I believe a relatively ...

田北辰議員：

高爾夫球場有多大？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... part of that. I do not have, Chairman, the ...

田北辰議員：

至少都有幾公頃。

主席：

田北辰議員

田北辰議員：

主席。

主席：

..... 或者給他機會回答，好嗎？

田北辰議員：

主席，他沒有這個資料。我只是想說一句。

主席：

不是，OK，他若果沒有資料，他會告訴我

田北辰議員：

主席，我只想說一句，好嗎？

主席：

是，好。

田北辰議員：

我覺得我是實事求是。

主席：

這是你的comment，是嗎？

田北辰議員：

是我的comment，我是跟你說的，主席。我覺得我是實事求是，將當時的情況提出來。

主席：

是。

田北辰議員：

但是，我覺得我聽到的回應完全是避而不答，避而不答，重複一樣不合邏輯的事情。說真的，我其實真的很失望。

主席：

好。

田北辰議員：

他何不直接承認當時沒有看到這個問題，是有所疏忽了。其實是很簡單的。

主席：

是。

田北辰議員：

但是他一直說當時有這些資料。其實當時並沒有，是事後才有。我的問題是，當時憑甚麼承諾5年內能做得到。

主席：

是，明白。

田北辰議員：

對不對，主席？

主席：

是的，大家得到他的答案了。至於他的答案是否足夠

田北辰議員：

但是你覺得他有沒有回答呢？

主席：

我們會再作評估，看看他的答案是否足夠，好嗎？OK。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, perhaps, ...

主席：

是。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... I could also respond ...

主席：

梁先生，給你一個機會，你有補充，是嗎？

香港鐵路有限公司行政總裁梁國權先生：

是的，謝謝主席。

主席：

是，OK，請說。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Firstly, the West Kowloon Terminus is a very large, 11 hectares, site. There were 400 bore ... 600 bore holes drilled for site investigation on that site, spaced 14.4 metres apart. I would also say that, in the Jordan Road area, we have available existing data of the utilities situation under Jordan Road, so, when the agreement, the second Entrustment Agreement, was signed with the Government, we did have existing data with regard to the utilities situation under Jordan Road as well as the site investigations we had done.

主席：

是。

田北辰議員：

那麼高爾夫球場呢？你說不出有多大，但那11公頃之中，高爾夫球場至少佔數公頃吧，是嗎？那算不算大呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I thank you for that question.

The golf driving range is, of course, in two components: there is a driveway with a parking lot and there is the driving range itself. As I understand, from the various reports, there was site investigation done in the driveway and the parking lot, although, of course, we were not able to close the driving range ...

主席：

好，謝謝。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... before taking ...

主席：

如果你再有問題，第二輪吧，田北辰議員。

我也想跟進關於這個勘探的問題。因為路政署的陳志恩先生曾經指出，導致高鐵項目的延誤有很多原因，其中一個是涉及工程工地的勘測及項目設計。我想問一問，在工地勘測方面，港鐵公司投放了多少資源，包括人手及費用？你有沒有一個粗略的估計，梁先生？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I do not have that information on hand and, perhaps, I can respond ...

主席：

你之後提供給我們，好嗎？

第二個問題是，會否有一個可能性，就是在工地的勘測方面有疏忽，或是勘測的深度及涵蓋面不足夠，所以變成不少範疇的估算及預算出現較大的偏差？會否有這樣的情況出現呢，梁先生？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, my understanding is, and this is also in the various reports by the IBC and the IEP, my understanding is that there was adequate site investigation done which includes the depth of the various holes in the bore holes drilled. Those bore holes are drilled 14.4 metres apart. There could be undulation of rocks or different core stones between those 14.4 metres. So, there was significant site investigation done, which is in accordance with government's guidelines and even of a higher standard than those used in the industry.

主席：

OK。如果沒有疏忽及不足的話，你對這個不可預知及難以預測的因素和情況，應該都會有比較好的掌握。那麼，你有沒有因應這些問題，制訂一些工程的緩衝期呢？如果有，為甚麼還會出現這麼多的延誤？你明白我的問題嗎？我的問題就是，如果較為掌握那些難以預測的情況，你都會對其有一個基本的掌握，那麼你有沒有運用一些手段，作出一些工程的緩衝期，以致不會出現這麼多的延誤？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I think, Chairman, as I mentioned, although the ground investigation done is in line with government guidelines and higher than industry standards, with bore holes being 14.4 metres apart, there is, unfortunately, each time when issues with rocks would be missed, that is just because of the rock formation. I think, on the schedule, there was a lot of work done with regard to the original schedule and the programme-to-complete. And, once again, with the information at hand, the experts were of the view that the programme-to-complete, with the knowledge of the site conditions, was adequate, was doable but tight.

主席：

All right, OK. 毛孟靜議員。

Hon Claudia MO:

Thank you.

Mr LEONG, in your opening statement, you said the overall completion progress of the project is now, as of today, 74%, i.e. just under three quarters of completion. Now, this figure is hardly impressive, I would say. And you did mention, towards the end of your statement, that there are still challenges in the remaining construction works. I just wonder what might be the largest challenge remaining. Question 1, that is.

And my question number 2 is, you keep, well, we keep getting allegations, if not accusations, that the MTR had withheld information from the Government, in particular, the Highways Department, and you kept telling us previously that "No, no, no, whatever information they needed, we would have disclosed". But the problem is, we don't know what we don't know. I mean, one cannot ask questions when one doesn't know what to ask, right?

So, on this information disclosure business, would you say, would you acknowledge that the MTR had behaved somewhat improperly, if not dishonestly? Question number 2.

And my third question is, previously, you have also acknowledged that, when it comes to risk management, you use qualitative assessment for timetables, and so on, measuring what you call "robustness"; and then, of course, you use quantitative assessment for costs and things. Would you now, with hindsight, acknowledge that there were so many incompatibilities between the two, and your overly optimistic approach in the qualitative assessment has ultimately led to your quantitative wrong assessments, right?

Three questions for the time being, thank you.

主席：

是，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, Honourable Member, for those questions.

Firstly, on the challenges which the project continues to face, as the Honourable Member rightly mentioned, the project is 74% complete. The tunnel sections between the West Kowloon Terminus and the border with Shenzhen are now over 99% dug through, excavated. We have only just

around a hundred metres of tunnel left to go out of a 25-plus kilometres twin track, twin bore tunnel.

On the challenges which the project will continue to face, once again, the shortage of labour, particularly in the so-called electrical/mechanical, the E&M, phase that the project is coming into, this will be a challenge. Then, of course, we will have our measures to try to overcome that particular challenge.

Secondly, the erection and construction of the so-called Station Entrance Building which incorporates the atrium and roof of the structure, that will also be a challenge for the project.

And thirdly, the productivity rate in physical building of the structure, I have mentioned that there has been reasonable progress in terms of the physical building of the structure, but that structure still needs to be completed.

So those are some of the challenges going forward with regard to this particular project.

The second question, on information, once again, there was significant information and an amount of information provided to the Government. This is well highlighted in the IEP report, as well as the IBC report. There was not just information provided. There were very regular meetings between government officials and ourselves. On top of that, as highlighted in the IEP and the IBC reports, the Government has the M&V consultant, Jacobs, who was also looking at this whole project. And in fact, as I have mentioned before, during this period, the M&V consultant had themselves undertaken 250 audits. Their findings were reported to the Government and there would be follow-on and follow-up of such findings.

I think the third question really comes back to risk management, the qualitative and the quantitative assessments. The qualitative assessment is a methodology that has worked very well in the past. It has delivered a number ... all our previous rail projects. It is a part of the project management systems which we have to follow under the Entrustment Agreements.

The project management systems, as members are aware, were reviewed prior to the Government and MTR entering into the second Entrustment Agreement. And, in fact, the various reviews come up with words such as "robust", "good control", "best of breed" and internal assessments that would suggest that it is of a very high standard. It is based on that that I understand the Government entered into the second Entrustment

Agreement with the governance and processes that were also put into place.

So the qualitative assessment is an assessment which, firstly, has worked well in the past. Secondly, it is part of the processes that we have had and that we are supposed to follow. And thirdly, part of the processes that had been reviewed prior to entering into the Entrustment Agreements and had been well-commented on and, in fact, had been complimented by the experts involved.

Hon Claudia MO:

Chairman, Mr Chairman, can I understand that Mr LEONG has practically and categorically denied any improper or dishonest conduct when it comes to information disclosure?

Chairman:

I think ...

Hon Claudia MO:

Is that what you are saying?

主席：

你是否這樣的意思，梁先生？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would say that at no time was there any intent, any intent on the part of MTR, to hide or withhold any information. The information as requested was provided. There was a collaborative, co-operative working environment between government departments and ourselves. Those are well borne out in the IBC and the IEP reports.

主席：

是。

Hon Claudia MO:

OK.

主席：

他說沒有這樣的意圖，毛孟靜議員。

Hon Claudia MO:

Right. My very last question. There is no point to ask Mr LEONG whether there is any negligence on the part of himself or the MTR, right? That is, well, a futile question. But, again, with hindsight, you did say the MTR had behaved somewhat overly optimistic over the entirety of the project, something to that effect. What could have done better or how you could have done better in any way, in what areas, or on what fronts, speaking as of today?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

And I thank you for that question, Honourable Member.

As I mentioned at the last meeting, the over-optimism of the project team led to MTR reporting late the delay. The over-optimism did not lead to the delay. It was the over-optimism that led to the late reporting of the delay. The causes of the delay are well highlighted in the various reports and I will not go into that again.

Hon Claudia MO:

With due respect, isn't that just a word game?

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Honourable Member, the work MTR has done, in answer to your question, is, from the reports of the Independent Board Committee, there were a number of recommendations made by the Independent Board Committee. MTR has followed those recommendations and implemented virtually all of the recommendations. Those recommendations, once again, well highlighted in the reports, include first, the establishment of a Capital Works Committee. The Capital Works Committee has now been operating for a number of months. Secondly, they include enhancements to the reporting mechanism. Those enhancements include the use of so-called traffic lights as well as the

use of milestones. Those have all been incorporated in our processes.

Hon Claudia MO:

I rest. I rest.

主席：

Thank you. 下一位是范國威議員。

范國威議員：

謝謝主席。

我想問梁國權先生，關於在上一次的研訊中，你很清楚地拒絕承認港鐵公司在高鐵工程超支延誤一事上有任何隱瞞。你表示沒有隱瞞，更表示委託協議沒有施加所謂"絕對的義務"，要求港鐵公司在2015年8月之前完成工程，以及設定工程費用的上限。但是，梁國權先生，你在上次研訊中回答我的問題時說得很清楚，沒有"絕對義務"這個說法，並不是委託協議書內白紙黑字的條文。換言之，這個是你口講，這個說法是你單方面的理解，OK？

所以我想問，既然港鐵公司認為委託協議內的完工時間可以修訂，沒有梁先生所說的"絕對義務"，按時完成工作，主席，我第一個問題就是，為甚麼上一任的行政總裁韋達誠先生會在2013年11月與運輸及房屋局舉行的緊急會議上，要求政府不要向立法會的鐵路事宜小組委員會報告通車日期有所延誤，以及反對政府將工程延誤原原本本向公眾交代？

第二，當時你們的反對理據是，因為設定了港鐵公司要在2015年，即今年，通車這個死線deadline，便可以向承建商施壓趕工。如果梁先生說沒有絕對義務要在2015年8月之前完工，那麼港鐵公司為何不惜要提高成本，寧願支付更多金錢也要達致2015年通車的目標呢？你是否在說或者間接承認，港鐵公司有責任按時完工呢？主席，這是我第一個問題。

主席：

梁先生，請你回答。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman, for that question.

I think, first and foremost, MTR will take our responsibility under the Entrustment very, very seriously, and we take all steps to ensure that we meet our obligation under the Entrustment Agreement. As I mentioned last time, and, I think, it is well highlighted in the IEP report, the Independent Expert Panel report which is commissioned by the Government. It is well highlighted in the Factual Annexure by PricewaterhouseCoopers on the basis that the timetable-to-complete as well as the cost-to-complete are estimates in the Entrustment Agreement and subject to change. In fact, the IEP report very clearly sets out what the mechanisms are to adjust the timetable. In the interests of time, Chairman, I will not read out the relevant paragraph.

Honourable member mentioned the meeting in November of 2013. I was not personally at that meeting, so I do not know what was said at that meeting. All I have is from our IBC report which has interviewed a number of people who were present at that meeting. As I understand, at that particular meeting, in November 2013, with the previous CEO, the comment from the IBC report or the comment in the IBC report was that the previous Projects Director and the previous CEO were of the view that, to keep pressure on the contractors, it is important to keep to that 2015 opening date. That is in accordance with the IBC report. Because I was not at that meeting, I really cannot comment otherwise on what they have said.

主席：

是。

范國威議員：

主席，問題不是你當時是否在會議上，而是港鐵公司的行為證明了，客觀上你們有責任按時完工，客觀上證明了這一點。

主席：

梁先生。

范國威議員：

主席，我第二個問題就是

主席：

Sorry，或者先讓他回答，好嗎？

范國威議員：

好的。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I have mentioned, and this is well highlighted in the IEP report, under the Entrustment Agreement, MTR, we, have to use our best endeavours, which we have, under the Entrustment Agreement. The timetable and the cost-to-complete are estimates which are subject to adjustments in accordance with that Entrustment Agreement.

主席：

是，謝謝。

范國威議員：

主席，他已經在重複他的答案了。

主席，我第二個問題就是，10月20日鐵路拓展處處長及副處長出席我們的研訊，期間引用了港鐵公司獨立董事委員會的報告，表示港鐵公司的項目團隊向路政署隱瞞了，是隱瞞了項目進度的關鍵資訊，即項目團隊在2013年11月的分析結果，就是工程完工的日期會延誤至2016年。鐵路拓展處更在研訊中清楚指出港鐵公司隱瞞關鍵資訊，因而導致政府作出"工程滯後不等於最終是延誤"這個錯誤的判斷。

所以，梁國權先生，你會否同意，港鐵公司在項目進度方面有誤導路政署？你早前在陳述書第130段表示，港鐵公司從來沒有蓄意隱瞞重要的資料。你如何回應鐵路拓展處這個如此嚴重的指控，指你們隱瞞了項目進度的關鍵資訊。你如何回應當天政府部門代表在研訊中所說的話？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I thank you for the question, Honourable Member.

Firstly, as I have highlighted, there was, at all times, full disclosure of information to the Government and the various departments of the Government. There were regular meetings, significant number of regular meetings, as well as the Government's so-called M&V consultant, Jacobs, were also auditing and doing a significant body of work based on the information and in addition to the information which we have given.

This disclosure of information and following the requirements under the Entrustment Agreement, I believe, are well highlighted in both the IBC and the IEP reports. Once again, I understand that the statement which Mr K K LAU and Mr Henry CHAN made was referring to an event back in November of 2013. As I have responded to another Honourable Member's question on this particular matter, at that time, the project team was still awaiting a programme from the contractors, which was the 810A contractor, on whether the Minimum Operating Requirement, the so-called MOR, was achievable or not. This request for a programme from the contractor 810A, as I understand it, was also a request from the various members of the Government. So, at that time in November 2013, about the event that has been highlighted, the project team was still awaiting for a programme from the contractor to see whether the programme or the programme-to-complete can be achieved or not.

范國威議員：

主席，我是問他的問題，問他的責任，問他有沒有隱瞞資料。他現在又將責任推卸給承建商，說當時在等那些資訊。

主席，我的時間不多，我想問第三個問題，也是上次研訊中提到的。由於工程前期工作的準備時間緊絀，導致合約編號810A、810B及811A三項涉及西九龍總站的合約需要作出設計修訂。你在會後透過書面回答本會時，以為免影響與承建商之間的談判為理由，拒絕披露就這三份合約所作修訂的次數及內容，而只是引述獨立專家小組報告所指，810A合約截至2013年6月已經作出13 513次修訂，涉及改正錯別字、釐清差異，以及提供額外資料的細微修改。

我想問梁國權先生，你用甚麼準則去定義，去define這一萬幾千次的修訂只是細微的修改呢？例如，是以進度影響作為準則，或是以工程成本作為準則呢？我的質疑、我的疑問就是，積少成多，聚沙成塔，這13 000多項細微的更改是否最終導致更多重大的改動而使工程延誤，或者政府口中所說的"滯後"，變成無可挽回，結果使你們過去所推行的很多追回進度措

施都不能夠追回進度呢？

是13 513次，主席。

主席：

是，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

As highlighted in the IEP report, this is in paragraph 104 of the IEP report. That report does highlight that, as by June 2013, there were 13 513 revised drawings. As also highlighted in the IEP report and in our response to a similar question last time, a number, many, of these amendments in drawings would be of a minor nature. I would, firstly, perhaps, also say that it is not uncommon for tenders for contracts to be tendered once they have reached a certain maturity in design. In the case of 810A, the contract that the Honourable Member mentioned, that particular contract had reached a maturity of design that allowed it to be tendered.

It is also not uncommon, in these very complicated projects, for there to be design adjustments, design adjustments after the contract has been tendered out. The Honourable Member mentioned about 13 513 drawings, which were part of these design adjustments. A number of these design adjustments would have been relatively minor in nature. Some of these design adjustments related to the construction difficulties which were being faced, for instance, the ground conditions. As highlighted in paragraph 104 of the IEP report, some of these revised drawings would be additional H-piles. Additional H-piles were required because of the difficult ground conditions and, particularly, as they pertained, in one case, to a diaphragm wall on the western part of the West Kowloon site.

A third cause of the design changes could be changes requested by third parties.

So there are a number of causes for these design changes. I would, however, say that many of these design changes, once again, were of a minor nature. A number of these design changes were the result of difficulties encountered during construction. And thirdly, some of these design changes were also the result of third parties' requests.

Thank you, Chairman.

主席：

我猜議員的問題是，因為數量這麼多，累積起來會否成為延誤的一個很大的原因呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I would say that in a number of cases, the design changes were of a minor nature. Other changes were the result of construction difficulties. The construction difficulties may have caused the delays or changes in schedule. But those construction difficulties then resulted and required different and amended or adjusted designs. And, thirdly, there could have been design changes from third parties.

So, it is actually a complicated interaction and interplay of many factors when one looks at these design changes as well as the difficulties encountered in construction.

主席：

或者我再跟進多一條問題。現在我們都知道，港鐵公司前任行政總裁曾經在2013年11月跟局長說過一番話，就是他堅持不讓局長向立法會鐵路事宜小組委員會及公眾開誠布公，表示可能會有所延誤，目的就是為了向承建商施加壓力。對於這個做法，即不向立法會鐵路事宜小組委員會開誠布公，你作為港鐵公司的高層人員，是否認同呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, firstly, I would say that at no time was there ever any intention to withhold any information from the Government or the Legislative Council. Once again, I was not at that meeting held in November 2013.

主席：

我只是問你這個做法。我知道你當時不在場，先前我已聽見你的答案，也知道你是不知情。但是現在回頭看，你會否認同這個做法呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, my response would be that it is never and would never be MTR's intention to withhold any information from the Government or the Legislative Council.

主席：

是，好的，謝謝。

或者我們現在有一個短暫的15分鐘的小休，接着還有兩位已報名而還未發問的委員，就是李卓人議員及鄧家彪議員。謝謝，15分鐘。

(研訊於上午10時58分暫停)

(研訊於上午11時17分恢復進行)

主席：

我宣布研訊繼續進行，下一位提問的是李卓人議員。

李卓人議員：

多謝主席。首先，剛才主席你也問了一個問題，他說稍後會回答，即關於所謂integrated master plan的問題，我只是希望他稍後答覆時也回答一下，如果他們已給了那當然沒有問題，但我們一直收到的訊息都是路政署沒有這個master plan，路政署沒有master plan，可能是因為沒有獲提供，等他回去check。但是，第一，路政署有沒有問他們，或者Jacobs有否問他們取這個integrated master plan？

主席：

是。

李卓人議員：

可能他現在也回答不了，因為他要回去看。

主席：

是的，應該是。

李卓人議員：

希望他作補充時同時補充這一點。

主席：

好。梁先生，你可否補充這點？即是如果沒有提供給政府的話，他們曾否要求你們提供？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, we will check and revert, Chairman.

主席：

好，謝謝。

李卓人議員：

好，多謝主席。接着我想問的是，今天的證供第6、7段已很清楚表示，其實整個工程環境是充滿挑戰，複雜性亦是很significant，即很厲害、很重要。現在說到好像很困難，但當時他們接到這份協議時，當然，他剛才回答的方法是提到第三者都說是"doable but tight"，如果我是接到有關協議的人，作為港鐵公司一方，要是對我自己的機構負責任，便應該爭取較寬鬆的時間表，或者較寬鬆的價格。但是，好像港鐵公司甚麼都"拍心口"答應。我想問一個問題，那麼到底是港鐵公司自己當時的工程團隊或前總裁自視過高，甚麼都"拍心口"，或是有另一種可能性，即有兩種可能性。其一就是雖然是很緊絀且具挑戰性，總之他們覺得能夠搞定，一種可能性是這樣。第二種可能性，就是政府跟他們"拍膊頭"，說"無論如何都要按這個時間表完成，你盡量做吧，如何困難你都要做，到不行的時候，做不來的時候，大家看看政府如何承擔有關延誤"。到底當時接到有關協議的情況是怎樣，是他們自視過高，還是政府向他們施壓也好、哄他們也好，叫他們按照時間表做？情況是否像所謂的政府面子工程多一點呢？我想問他們，到底當時接到有關協議，做Entrustment委託協議的時候，究竟是哪一種情況？

主席：

你說的是哪方面？工程完工時間還是

李卓人議員：

兩方面，時間與金錢。

主席：

時間與金錢，是的。

李卓人議員：

時間與金錢都是，因為他剛才也回答指他們加大了應急費用。

主席：

是。

李卓人議員：

但是第三個party都說時間"tight"，說明了是"tight"。

主席：

是。

李卓人議員：

如果我是受委託一方，當然希望寬鬆些，除非他們自視過高，或是

主席：

是，我明白。

李卓人議員：

..... 其實是政府給壓力。

主席：

明白。

李卓人議員：

即兩種可能性。

主席：

關於工程開支及時間表的問題，是港鐵公司過分自信，還是受到壓力才作出這樣的安排？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman and Honourable Member, for that question.

As we have mentioned, there was a significant amount of work done prior to entering into the second Entrustment Agreement, and there were a number of third parties involved. Those third parties also looked at, amongst other things, the timetable as well as the cost. At the end of the day, there was a conclusion, at that time, that the timetable was doable but tight.

I would highlight for members a particular paragraph in the IEP report. This is the Government's IEP report. This is paragraph 254 on page 65. And, to answer the Honourable Member's question, if Chairman would indulge me, I would quote that paragraph. This is from the PricewaterhouseCoopers' Factual Annexure to the IEP report which, in paragraph 254, said, and I quote: "We have not had sight of any evidence during this study that indicates Government put pressure on MTRCL to tighten the delivery schedule prior to EA2, although we understand from MTRCL that Government was keen to complete the Hong Kong Section as early as possible and discussions were held between Railway Development Office and MTRCL on this topic." The timetable, as highlighted, was, at that time, seemed to be doable but tight.

李卓人議員：

這樣即變成是並非政府給予壓力，那麼會不會，因為你們曾經說過，其實工程團隊是否自視過高呢？根本時間是這麼緊絀，然後現時你又在第6、7段說到是如此困難。是否由於你們判斷的時候輕率，沒有正視困難，並且自視過高，使你們覺得就這個時間表及金額而言，有關的協議可以接受呢？

主席：

是否因為自視過高才作出"doable but tight"這樣的評估呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Honourable Member, Chairman, I would, once again, this is quoted from the Government's own IEP report. In paragraph 255, they go on to say that and this is factually that MTR had sought assurances from our design consultants on the achievability of the timetable, the timeline in 2009, during both the "Preliminary design" as well as the "Detailed design" stages. It is understood, from these studies, that the consultants were asked by MTR to develop construction programmes for the contracts; and advise on the construction methodologies.

I would further respond to the member's question on the basis that the challenges that we have mentioned, a number of these challenges pertain across the industry. Some of these challenges were recognized at the beginning. Highlighted in both the IBC and the IEP reports were comments, back in 2009, of the potential of not being able to get sufficient labour. However, as we went through the construction phase, the extent of these challenges was much more than that had originally been anticipated.

An example of that is, as highlighted in the IBC report, when, at the beginning, back in 2009, using government indices, looking at construction cost, there was an assumption that labour costs would only be increasing at around 2% or 3%, construction costs at 2% or 3% per annum. In fact, over that same period of time, construction costs were increasing significantly more than that and, in some cases, double-digit per annum. So, the issues, some of the challenges were recognized at the beginning; however, the extent and magnitude of those challenges continued to develop over the course of the project and were an industry-wide situation.

主席：

梁先生，我想跟進以下問題，就是如此龐大和複雜的工程，如果你最初評估是"doable but tight"的話，其實本身已經是，即工程會有很多預計不到的情況，如此龐大的一項工程，你一開始便估計是"doable but tight"，這估計本身是否已太過樂觀？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, of course, in addition to the consultants that were working on this project, the contractors that were tendering the various contracts were also, at that time, of the view that the timetable, the programme, was achievable.

I would, however, highlight that, obviously, this is now with the benefit of hindsight, the IBC report noted that, and I quote, "The negative impact of unforeseen events on the schedule was not so much caused by any flaw in engineering or project management as by a lack of adequate schedule contingency." This is actually one of the conclusions from the IBC report.

主席：

OK，李卓人議員。

李卓人議員：

但如果按剛才所說，即最後那句，其實IBC report說你 lack of schedule，最後的字是甚麼？我聽不到，lack of schedule

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, "lack of adequate schedule contingency" was their comment.

李卓人議員：

好了，如果說到最後，即不是最初的問題，而是中間 "lack of schedule contingency"，即你的應變能力或者應變時間

主席：

即時間的緩衝，是這個意思嗎？

李卓人議員：

是的，緩衝時間不夠。等如當初說很 tight，schedule 的 contingency 當然不夠。其實回顧整件事情，這一句會不會反過來證明整個時間表 tight 到一個地步，根本無法應急。如此龐大的工程，你們不可能不給予寬鬆的時間作應急之用。我反過來問，為何當時你們不爭取一個不這麼 tight，不這麼緊絀，有多

些，用你的字眼是"schedule contingency"，應急時間表的方法去做，即開始的時候要求政府給予多一點時間呢？

主席：

為何不要求一個"doable but not so tight"的時間表？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, Honourable Member and Chairman, for that question.

If one looks back at the previous successes of the MTR projects, MTR has, over the last 30-odd years, successfully delivered our projects on time and on budget using the systems and processes which we use also for the Express Rail Link, with certain adjustments. It is based on the previous successes that I believe led the team and all of us to believe that, despite the fact that the schedule was doable but tight, it was doable.

李卓人議員：

總括而言，即過去的成功使他們麻木。多謝主席。

主席：

下一位，鄧家彪議員。

鄧家彪議員：

多謝主席，因為今天有幾個會議同時舉行，所以我不肯定我問的問題會否與其他委員的有重複。

主席：

好。

鄧家彪議員：

我想就兩方面來說，就整件事情，數個檢討報告均指出一些問題，譬如我引述運輸及房屋局副局長邱誠武先生在2015年4月28日的研訊中曾經講過："對於工程隊伍實際情況的掌握，港鐵公司本身的高層或者政府其實都不掌握，他們在交代資料方面，即他們掌握的工程進度以及他們向上層或港府、路政署作出的報告，其實並非完全反映情況，或者他們有一些計劃也

未必完全讓政府知道"。另外，由特首委任並由法官擔任主席的專家小組的報告也有類似的描述，即是經了解後，甚至引述當時的工程總監周大滄先生的說法，都說是完全失敗的，不能掌握情況。所以，我想問梁先生兩個問題，據你了解，在整個架構中，究竟哪個職位最能夠掌握高鐵項目的進度？即是在正式披露所謂的延誤之前及之後有沒有不同？第二，就我剛才引述邱誠武副局長所陳述，即港鐵公司不完全讓政府當局知道，是否希望隱瞞工程的實際進度？你如何看待這兩個問題？謝謝。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, once again, there is never, there is always been full disclosure of information to the Government and the various departments of the Government, and at no time was there ever any intent, nor would there ever be any intent, to withhold any information. I think the comment from Mr YAU Shing-mu, when he appeared in front of the Select Committee, also refers to the IBC report and that same question which was answered by or asked to Mr K K LAU and Mr Henry CHAN. This was in November 2013 when the project was obviously still ongoing, and this was during a period when MTR was seeking from the contractor of a very important contract, 810A, the schedule to complete under this Minimum Operating Requirement approach. And until we have, until MTR has that information, it is very difficult to confirm or come up with final comments on the schedule. So, at that time in November 2013, which, I believe, is what Mr YAU Shing-mu was referring to, MTR and our project team were still awaiting the response from the contractor of 810A on the programme.

With regard to the Honourable Member's second question, as members are aware, and highlighted in our various reports, we have a clear process and system in place in terms of our project management of the Express Rail Link. We have regular reporting to the Government as well as other entities. Of course, with the benefit of hindsight, the IBC report has come up with some recommendations in terms of enhancement to our system and we have implemented those recommendations. As I have mentioned before, those recommendations include the establishment of a Capital Works Committee, which is now well-established and operating, as well as enhancement to the reporting structure which would include the use of so-called traffic lights as well as milestones. So these enhancements have already been implemented.

Thank you, Chairman.

鄧家彪議員：

我想繼續問剛才的問題，即是說起碼我要劃一條線，就是你們的董事局自己也有一個檢討委員會，並且作出一些建議，我就用你們這條線作準則。在進行檢討之前，最熟知這個工程進度的會是港鐵公司負責哪些職務的人，會否就是周大滄總監？或者連他自己都不知道自己應該是掌握得最清楚的人？在檢討之後，究竟應該是哪位同事或哪個小組最熟知這個工程進度呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As we have highlighted in our responses to the Select Committee, the way MTR operates like many companies, the Board is overall responsible for the activities of MTR but delegates the management of day-to-day business to the executive. The executive, furthermore, has particular directors that look at particular aspects of the business. One of those aspects, of course, is, importantly, the project aspects of the business. Within the project team, there are many colleagues. There are 3 000 colleagues in the project team and the structure and reporting of that project team, I understand, have been in the various reports and have been reported to the Select Committee.

The Projects Director, ultimately, is responsible to the executive and to the Board and, through that, to the Board looking at the progress of all the projects that MTR is undertaking. As I have mentioned, now, with the enhanced structure we have in addition, the Board has set up the Capital Works Committee that would also have reports from the Projects Director and the projects division.

主席：

鄧議員。

鄧家彪議員：

總監，我想問，在未加強該架構之前是否存在一些問題，即負責高鐵工程的同事把所有資訊藏起來，連你及董事局都不知道？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I mentioned, the way MTR, the way the governance of the company operates, the individual directors are responsible for their particular areas and the individual directors report on a regular basis to the executive of MTR, and the executive, in turn, reports to the Board. That is the method of reporting. I would highlight, and this is highlighted in the IBC report, that perhaps because of the over-optimism of the Projects Director and the project team, it was not until April, until April of 2014, that the delay of the Express Rail Link beyond 2015 was reported to the Executive Committee and to the Government.

主席：

董事局也是在那時候才知道的，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

That is absolutely correct, Chairman, that it was only in April of 2014.

主席：

是，鄧家彪議員。

鄧家彪議員：

一方面是你們的架構中那些溝通或協作關係有一些缺失，另一方面就是在這個架構中有責任與相關政府部門即路政署去溝通的，這兩方面我們都會特別着重去看，尤其是上周我們邀請了鐵路拓展處處長陳志恩先生出席研訊。我再引述他的說法，不論在陳述書，還是在研訊的過程中，他也是這樣說："在有些情況下，路政署未能適時獲得該等資料，港鐵公司的獨立董事委員會第一份報告更引證一件事實，就是項目團隊曾對路政署保留了有關項目進度的關鍵資訊"。總監，我想了解，你是否同意陳志恩處長的說法，以及你如何看待何謂關鍵資訊？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question.

The Honourable Member mentioned the comments from the IBC report, and the IBC report did note that in November, there were certain voices from the project, within the project team that was questioning the doability of the 2015 schedule. But as I have mentioned before, at that time, that is in November 2013, at that time, we, MTR, and the project team, as I understand it, were still getting from the contractor, the 810A contractor, a programme. Without that programme, it is very difficult to assess the effectiveness of the overall programme to complete the project. So, at that time, and I think the comment from Mr Henry CHAN was relating to that particular period when the project team was still trying to get a final programme from the 810A contractor.

鄧家彪議員：

最後想補充一點，我們的感覺是，不知道其他委員是否同意，陳志恩處長所描述的是，他想取得一些關鍵資料，其實有些資料真的很關鍵，譬如有關工程改動的資料，他經常覺得港鐵公司沒有提供全部資料，或者他都會想是否還有更多資料。這不是說單一事件或者單一場合，而是他的一個普遍經驗，我聽到的情況是這樣。所以，我想問總監，你是否同意有這種普遍情況？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Honourable Member, Chairman, as I have mentioned and as highlighted in the various reports, we have provided information as required by the Government. There was significant, very significant, dialogue, interchange, discussions, meetings, with the Government and members of the Government throughout the process. And as we have also mentioned, the Government has appointed their M&V consultant, Jacobs, to review and audit the work which MTR has done. So there was a significant exchange of information during all this period.

As I commented earlier, the IBC report also noted that the Government and MTR were working in a collaborative and co-operative manner.

主席：

如果聽你這樣說，梁先生，因為我們大家這個委員會都聽過，政府方面的人員都頗為強調，不是強調，而是提及，港鐵公司沒有提供所有足夠或全部資料，以便他們作出有效的評估。現在你說你完全沒有隱瞞，或者溝通得十分暢順，這便變成政府的說法有一點隱瞞，是否有點不太誠實呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I cannot comment on other people's comments. However, what I would like to do is, once again, to quote from the IBC report. The IBC had reviewed and investigated this matter at length, including their independent experts, and if Chairman would indulge me, just very quickly, ...

主席：

好。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... the IBC, in their report, and this is in paragraph 1.37 of the first IBC report, on page 13 it says: "Delays against the Project programme have been reported on a timely basis and accurately to Government in accordance with the terms of the Entrustment Agreement."

In fact, further on, on page 83, paragraph 5.32 of the first IBC report, it sets out to say that, "The IBC does not find any attempt by the project team or the Corporation to cover-up or hide the delays being experienced in the various Project contracts."

Thank you, Chairman.

主席：

好。鄧家彪議員，還有問題嗎？

胡志偉議員。

胡志偉議員：

多謝主席。我的提問可能已有些同事提出過，不過我嘗試

再問。我想問，獨立專家小組報告第6.11段指出，"由於政府無從根據一個全面綜合並以整個項目為本的工程總綱計劃接收匯報，因此一直被蒙在鼓裏"。報告第6.18段也指出，"匯報不清晰的問題，更引致政府過度信賴港鐵公司缺乏理據的保證，誤以為追回進度措施確有成效，可令高鐵香港段項目如期竣工"。

我想問梁先生或者港鐵公司，對獨立專家小組這個評價，你是否同意，以及你對該評價有何回應？這是第一點，或者先回答這點，好嗎？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, once again, Chairman, in terms of disclosure of information, I think we have discussed that already. There is a significant amount of discussions, disclosure, as well as meetings with the Government and government officials, as well as through the so-called M&V consultant, Jacobs, in their audit and review of the status of the project and the progress of the project. And, once again, and as the Honourable Member had mentioned, in terms of the master programme, our IBC experts and ourselves would say that there are master programmes which are updated on a periodic basis using this P6 Primavera software, which is a requirement under our project management processes.

胡志偉議員：

主席，其實我的問題是，你是否同意專家小組這個評價？你可以只回答同意或者不同意。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I think, Chairman, we, MTR, had co-operated significantly with the IEP and their experts. In general, we agree with the factual findings of the IEP which are highlighted in the appendix to the IEP report. There are certain aspects of the recommendations and the comments from the IEP which we take a different view on.

胡志偉議員：

OK。政府為整項工程委任了Jacobs作為監核顧問公司，它當然可以向港鐵公司索取資料。我想問港鐵公司是否百分之一百向監核顧問公司提供所有Jacobs要求的資料，有沒有作任何篩選？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

To my knowledge, Chairman, to my knowledge, all the information, and this is to my knowledge, all the information that has been requested by the Government and their M&V consultant has been provided accordingly. That is my knowledge and understanding from reviewing all the various reports that have been made available to the public.

胡志偉議員：

即是說，如果我們日後傳召嘉科到來，跟它討論的話，說不定可能會得出一幅不同的圖像，是否這樣的意思？因為你說是 "to your knowledge"。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as the Honourable Member and as you are aware, I was not directly involved in the project team at that time, so my knowledge is from what is available, including the information available in the public domain, which would suggest that all information had been provided.

主席：

胡志偉議員，我認為我們不要估計將來。

胡志偉議員：

明白，多謝。

主席：

好嗎？

胡志偉議員：

不要緊，主席。其實我想問另一部分，因為梁先生過去是港鐵公司的財務總監。根據陳述書的第6段，"高鐵香港段是首個以服務經營權模式建造的香港鐵路項目"。我想問，你作為前財務總監，有沒有就此部分進行分析，即是就以這個全新的模式建造高鐵香港段，進行財務分析、風險評估，以及提供了甚麼資料給港鐵公司？你當時作為財務總監，就此工程提交了甚麼分析報告？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, there are very clear processes in place at MTR to assess projects and to monitor projects as they develop. Not forgetting that under the Entrustment Agreement, we are to use our project management systems and processes, which include, amongst others, the PIMS as well as our financial controls, our procurement processes. These processes have been reviewed and audited by a number of third parties and those reviews and audits commend the effectiveness of that process. As I have said previously, at MTR, we use the same process and procedures for all our projects, be they service concession projects like this Express Rail Link or be they ownership projects like the South Island Line (East). We use the same process in all our assessment. That same process would be in accordance with our project management, our financial management, our procurement, etc.

胡志偉議員：

主席，我其實是想直接問財務總監，即當時他作為財務總監，有沒有作過風險評估並把報告交予董事局。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, member, for that question.

Yes, there was, of course, significant review of the Entrustment Agreement and the Board, as highlighted in the IEP report, also discussed the Entrustment Agreement. At that point in time, back in 2009, I and others were of the view that the Entrustment Agreement had a reasonable sharing of risk and reward between MTR as the project manager and the Government as the owner of the project.

胡志偉議員：

主席，我可否向前財務總監，即梁先生，索取當時這份風險及財務分析報告？因為我相信這是很重要的參考資料，顯示港鐵公司從甚麼角度考慮這是一個 "doable but tight" 的 project。

主席：

是，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Once again, the "doable but tight" in terms of timetable, that was based on a significant amount of work also done with and by third parties looking at the timetable, and it is based on that that the conclusion or the recommendation of "doable but tight" arose. There was, as I have mentioned and highlighted in the IEP report, discussion by the MTR Board on the Entrustment Agreement also looks at the risk of the Entrustment Agreement.

胡志偉議員：

不好意思，我聽不清楚，是否可以提供

主席：

你說 "doable but tight"，你是說時間表嗎？

胡志偉議員：

不是。

主席：

你現在說財務安排的話，即風險評估的話，我想問一問，與我們現在調查的範圍哪一部分有關？

胡志偉議員：

主席，我相信要這樣看，就着那份 *Entrustment Agreement*，其實大家都有討論這個 "doable but tight" 的概念，而且也涉及我們需要處理的那個會否超支的問題。在 *Entrustment Agreement* 中，有一項很重要的條款，就是如果有需要的話，政府會承擔額外的開支。我想知道當時對於這份 *Entrustment Agreement* 內這些條款的整體風險，其實他作為財務總監是如何評估的？他認為承接這項政府 project 對於作為上市公司的港鐵公司會帶來甚麼風險，同時應如何平衡有關的風險？當時他的看法是怎樣的？我是從這個角度去看。

主席：

你的意思是延誤引起的超支

胡志偉議員：

當然。

主席：

..... 在評估內，是否這個意思？

胡志偉議員：

是，沒錯。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as I mentioned, there is a due process in place to review all our projects, including, importantly, the Express Rail Link. And, as I mentioned, there were a number of discussions with the Government that ultimately resulted in the programme-to-complete and the cost-to-complete. Both the Government and ourselves had appointed third parties to look at these matters. So, the risk assessment of the overall project was an ongoing matter that over the course of the period prior to the signing of the *Entrustment Agreement*.

胡志偉議員：

換言之，梁先生是不可以提供他當時所作的這個 risk assessment report？

主席：

他的意思是這樣。

胡志偉議員：

OK，明白。前路政署署長韋志成先生在我們6月2日的研訊中指出，整個項目有40多份不同的合約，當我們考慮這些詳細分析時，除了應該要看完工期外，還要看開工期。如果開工期遲了，完工期又沒有調整，緩衝期自然就少了。

我想問，在高鐵現在這40多份的合約中，有多少份合約是未能夠如期開工？若果開工期延遲了，港鐵公司有沒有跟這些承建商就完工期作出相應的調整？如果沒有，又會否成為多份合約工期出現滯後的原因？甚至是一些 claims 的基礎呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

As members are aware, the Express Rail Link is a highly complicated project with a number of the construction contracts that are interlinked. One contract could have an impact on another contract. Highlighted in the various reports is the comment that, in particular, one contract, contract 810A, was tendered out late, or later than originally proposed or originally anticipated.

Also highlighted in the IEP report and the IBC report is that, when the contract was tendered out, the contractors, in fact, there were a number of contractors tendering for that contract. The contractors were of the view that the timetable was doable despite the fact that the completion date, as the Honourable Member said, the completion date was not shifted back, so there was a compression of timetable to achieve the same completion date. When

those contracts were, or that particular contract was, tendered out, the contractors were of the view that the shorter timetable was doable.

胡志偉議員：

主席，我想多問兩個問題。

主席：

我想問一問，梁先生，或者你回答問題時，最好回答自己的問題，回答自己所知道的，不需要引述太多報告，因為我們想獲得的是你的答案，而不是報告內的答案。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Hmm.

主席：

好嗎？謝謝。

胡志偉議員：

多謝主席。我認為其實這是很重要的一點，因為我一直聽到的都是梁先生引述報告的答案。我不知道其實梁先生所知道的有多具體，或者他只是一部錄音機，複述報告的內容。

我有兩點要提問。第一點就是，剛才我問到，梁先生也提到，合約與合約之間有很多interlinks，關於這些interlinks，在現時我們所見到的是超支、延誤，我想說的是超支那部分，因為延誤引至超支的問題，而這會否是構成承建商索償的其中一個很重要的元素？這是第一點。

第二點就是，我們也曾問路政署關於港鐵公司追趕落後進度的問題。為了追趕延誤的工作時間，港鐵公司有時會透過改動設計來追趕，而路政署的說法是，對於這些改動、延誤，他們只是comment，不是審批。

我想問梁先生，你如何理解路政署comments on港鐵公司就高鐵工程所提交的一些更改設計的要求？當你只是得到所謂comments的時候，在你們眼中這是否便等同、等於政府已經approve有關安排？一個正常的approval程序應該是怎樣？請你解

釋一下。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

We have at MTR a very clear and time-tried system in assessing claims as well as discussions with contractors on claims. Because of the commercial sensitivity relating to claims, I am, at this time, not able to comment more with regard to claims or individual claims.

The Honourable Member also asked a question with regard to delay recovery measures, the so-called "DRMs". Once again, there is a clear process in place and that is highlighted in the reports. The process ultimately would have those DRMs, the delay recover measures, going for approval in what we call the Project Control Group, "PCG". This PCG, Project Control Group, is an internal MTR group that assesses, amongst other things, changes, DRMs, as well as claims. Government officials are invited and do sit as observers in the PCG when matters relating to the Express Rail Link and the Shatin to Central Link, the so-called entrustment projects, are being discussed, and government members are invited to comment on matters relating to those projects at the PCG.

胡志偉議員：

我想澄清，是否說，如果在PCG內的government officials沒有反對delay recovery measures的話，就等於這是政府同意的安排？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as members are aware, under the Entrustment Agreement, MTR has to use our processes as adjusted in terms of governance and communication with the Government. Very clearly, one of those processes also highlighted in the Entrustment Agreements would be MTR's assessment of claims as well as matters like delay recovery measures. The Government

and government members have access to all the relevant PCG papers, the papers that discuss and talk about either the Express Rail Link or the Shatin to Central Link. And at the PCG meetings, they are invited, relating to those matters, to give their views.

胡志偉議員：

在 PCG meetings 中，政府是否會知悉這些 DRM 會 induce 的 cost？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I understand, regarding these PCG papers relating to the delay recovery measures, in addition to the discussion on the effectiveness of the measures and the technical aspects of the measures, these papers will include the financial impact of these delay recovery measures, as I understand it.

胡志偉議員：

主席，因為過程中都牽涉很多這些 DRMs，但在我們的調查過程中，似乎政府一直都不太 aware 當中 involve 的 cost。但剛才梁先生說，每一個 DRM 的 measure 都會 involve cost implications。我想看看梁先生有沒有辦法可以提供這方面的證明給我們，即是在這些 PCG meetings 中，就高鐵的承建過程中，是會把所有關於 DRM measures 的 cost implications 的文件呈交給政府知悉。

主席：

他有沒有這樣做？

胡志偉議員：

有沒有這樣做？

主席：

是，梁先生。

胡志偉議員：

他說有做，但我想問有沒有證據可以給我們而已。

主席：

他所說的便是證據。

胡志偉議員：

OK。

主席：

你有沒有這樣做，梁先生？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, once again, the ...

主席：

即是由延誤引發出來的DRM所涉及的開支，那些超出正常開支的款項，有沒有向政府報告？有否就每一部分，每一個DRM作出報告？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, once again, the financial aspects are timing aspects and the criticality of DRMs are all set out in the PCG papers which are made available to the Government. These papers are then discussed at the particular PCG meetings on all those aspects and, of course, government officials are invited to comment on these delay recovery measures.

胡志偉議員：

主席，這些DRM measures會involve cost implications，我想問在制度中有沒有一些警號？我理解之前一直所說的是，因為這些DRM會用contingency，所以不用很擔心。但是，其實在整個監管制度的設計中，有沒有任何警報系統，使政府可知道現在採取的DRM已經消耗了整個高鐵工程多少的contingency？

主席：

你明白問題嗎？Contingency即是有

香港鐵路有限公司行政總裁梁國權先生：

明白。

主席：

..... 削減的話，有沒有定期向政府報告這方面的事情？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, in the regular, I believe, monthly reporting to the Government, there is, in the papers, not just the technical aspects of the Express Rail Link being discussed but also the financial aspects. The financial aspects would look at the contingency remaining for the whole project. That is provided in the monthly reports, the 200-plus-page report which is given to the Government, I believe, in advance of their PSC² meetings.

胡志偉議員：

主席，可否請梁先生提供一份在 typical 的 PCG meeting 上應該有的文件及 minutes 作為參考？

主席：

是，梁先生可以提供嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, can I come back to the Secretariat on that?

主席：

好。我有一個跟進的問題。從2010年高鐵工程開展一直到2014年4月期間，有沒有就這個工程進度的事情向承建商發出任何信件，包括警告信之類，提醒他們須如期完成工序呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as I mentioned, I myself was not personally involved at that

² 秘書處補註：PSC詳寫為"Project Supervision Committee"，即"項目監管委員會"。

time, ...

主席：

是。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... and so, therefore, the information that we had or that was available would be the information from the various reports. I understand that the contractors and MTR have the same objective of completing the project as quickly as possible and the contractors and MTR were always looking to come up with solutions, the delay recovery measures to come, to try to catch up with time.

主席：

其實我的問題很 specific，從 2010 年開展這個工程一直到 2014 年期間，有沒有向承建商發出信件，包括警告信，提出時間的問題，即是要 keep 時間、timetable 的問題？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I do not have that information. I need to revert ...

主席：

你回來...

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... to the Secretariat.

主席：

你之後答覆我，好嗎？

香港鐵路有限公司行政總裁梁國權先生：

好的。

主席：

謝謝。另外一項問題是有關大江埔，這是我代表副主席問的，因為他不在香港。關於大江埔至謝屋村隧道工程，有關的工程合約有沒有要求承建商要做好防洪閘？如果有的話，承建商有沒有履行相關的要求，以及港鐵公司如何監管合約工程？謝謝。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I am not an engineering expert. My project colleagues will be appearing before the Select Committee in about a month's time and I would have, if chairman would indulge me, I would have them respond to that particular question.

主席：

或者在他們前來之前，你可否以書面回答我這方面的問題，好嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes.

主席：

謝謝你。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, Chairman.

主席：

陳恒鏞議員。

陳恒鏞議員：

多謝主席。在較早前，即上一次的研訊中，閣下表示港鐵公司團隊對於追回進度是過分樂觀。那麼，你覺得這過分樂觀及專業判斷有甚麼分別呢？另外，你覺得港鐵公司在推展這項

工程方面，除了上述所謂的過分樂觀之外，還有沒有其他不足的地方呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

Once again, the over-optimism, unfortunately, led to a late reporting of the delay. The optimism, over-optimism, really is with hindsight. I think, at any point in time, the project team was working very professionally to try to catch up with schedules. This is a comment which, to quote from the IEP report again, says that our contract management was "exemplary". The project team always, and even today, would do their utmost to catch up with schedules and to come up with solutions to catch up with the schedules. I think, ultimately, the success of some of those earlier solutions and delay recovery measures may, with hindsight, have led to the over-optimism of the team and the previous Projects Director.

All throughout the process, the MTR project team has remained, in my view, very professional. They have done whatever they can to catch up time, they have worked hard, and they have done everything possible to reach the objective of delivery based on a schedule and in the most cost-effective manner.

主席：

陳恒鏞議員。

陳恒鏞議員：

OK。或者我這樣問，港鐵公司在發現有延誤的情況後，有沒有嘗試向承建商施加壓力？你們施壓的方法是怎樣的？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Regarding the contractors, the contractors and ourselves have the same objective. We work with the contractors and, of course, that working with the contractors, at one point in time, would be giving them pressure, other

points in time, collaborating, but it is working with the contractors to deliver the project based on a schedule and in the most cost-effective manner. It is working with the contractors on issues like delay recovery measures that had allowed the project earlier on to mitigate some of the delays which could have arisen because of the construction difficulties.

陳恒鑌議員：

OK。另外我想問，我知道你不是 technical 方面的朋友，但我也想知道一下，港鐵公司在甚麼時候知道地底下的情況出現問題，即比較難挖掘，或者下面的岩石很多？你們在甚麼時候知道？有沒有即時通知政府各方面的問題？是在甚麼時候通知的？

主席：

陳恒鑌議員，你指的是哪個位置的地底下？

陳恒鑌議員：

西九龍總站的地底下。謝謝。

主席：

是，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I understand it and as the Honourable Member mentioned, I am not the construction expert but, as I understand it from the various reports, the issue of ground conditions arose, actually, at quite an early stage in the construction process. And based on all the reports available, the issues were reported in the various reports to the Government and made available to the M&V consultant.

陳恒鑌議員：

好了，既然你知道西九龍總站地底下的岩石難於爆破，你也採取了追回進度措施，你認為這些追回進度措施有沒有發揮作用？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as I mentioned, the difficulties or the construction difficulties and the ground conditions were known with site investigation, as well as after the construction commenced. However, the situation with, for instance, the site conditions or the ground conditions, was worse than one had anticipated during the site investigation. The project team is a very professional project team. When they come up with these problems, they come up with solutions to address the problems. So, as highlighted in the response to the Select Committee, in August of this year, there were a number of instances, where ... on the West Kowloon Terminus site, because of difficult ground conditions, there were delay recovery measures implemented. A number of those delay recovery measures were successful after implementation.

主席：

陳恒鏞議員。

陳恒鏞議員：

既然你說你們的 team 很專業，我想問一問，按照路政署鐵路拓展處處長陳志恩先生在10月20日研訊上表示，811B號合約的工程因為護土牆的建造工程有所延誤，因而影響了810A工程合約的展開；但是在810A工程合約簽署的時候，港鐵公司並沒有將810A合約完工的日期適當地延後。為何會這樣呢？另外，你是否很相信，你們不推後810A的完工日期，是因為可透過你們很專業的追回進度措施，追回有關的延誤呢？或是基本上你們看錯了？或有甚麼任何原因？可否講解一下？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, I thank you for that question.

As mentioned, the 810A contract was tendered out later than originally anticipated and part of that was due to some delays in 810B contract. When 810A was tendered out, there were a number of tenderers. The tenderers

were very well aware of the programme-to-complete, in particular, the 810A contract, and the tenderers were of the view that the programme was achievable. So, it was not just MTR's view but the tenderers who were tendering for those contracts were tendering on the basis of that particular timetable.

陳恒鑌議員：

即是你們相信他們覺得有可能做到？還是按你們的專業判斷，這樣批出這項工程，即使之前的工程沒完成，延誤了後面的工程，你們的判斷都是認為可以在不延後工期的情況下將此工程批出去？你們純粹是相信那個 contractor 的時間表，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

We were of the view that the 810A contract, in this particular case, can be achieved or can be completed in that shortened timeframe and the tenderers, not just the successful tenderer but all the tenderers that were tendering for this particular contract, were also of the view that the timetable, as I understand, that the timetable was achievable.

主席：

是。

陳恒鑌議員：

我

主席：

Sorry，不好意思，陳議員。我想問一問，在那些 tenderers 入標的時候，他們是否知道地下環境如此複雜，還是他們只是基於你們的勘測報告去投標，根本就不知道原來有8萬多立方米花崗岩埋藏在地下？會否有這種情況？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, thank you for that question.

As members are aware, MTR, we are to use our processes, including our conditions of contract. Our conditions of contract would have certain

risk being retained by the owner of the project and certain risk passed on to the contractor, in this case, for 810A. The contractors for 810A would be given the ground investigations and ground report from the investigations that have been done previously and they would tender based on that ground investigations and that ground report.

主席：

那個 ground report 是你們公司做的，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

This is the site investigation report, Chairman. If the ground conditions are shown to be worse than that base case report which they tender on, then the risk rests with the owner of the project. This is the MTR's standard contract terms.

主席：

是。

陳恒鑌議員：

主席，我想多問

主席：

不好意思，陳議員。

陳恒鑌議員：

我想多問一條問題，是關乎港鐵公司很相信那些追回進度的措施。按照你的評估，你們的追回進度措施大概有幾多 percent 是發揮了作用？還是那些追回進度的措施基本上都是會再延後，或是會使工程延誤呢？你是基於往績相信你們的追回進度措施，還是你純粹是相信你的工程隊伍呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, member, for that question.

I do not have and it is very difficult to assess the DRMs in that way. Whenever a delaying issue or an issue arises, the project team, in their professional manner, would look at methodologies to overcome those issues. The important thing is to stop any further delay, for instance, in the programme or further cost overruns. The important thing is to move a particular contract back into the original contract duration, and these DRMs, many of these DRMs, were done for exactly that purpose. Some of these DRMs were quite significant. For instance, in 810A, there was the shifting of Jordan Road southwards as one of the temporary traffic measures before shifted northwards. That was one of the delay recovery measures because of the difficult ground conditions that led to the difficulties on the retaining wall that was being built in that area.

There are many other examples of successful DRMs.

陳恒鑌議員：

雖然有些地方是成功，可以做到，但是也有不少 可是你又沒有數據。那麼你是憑甚麼相信你的DRM不會影響進度，進而影響完工日期？你有沒有曾經想過，其實你的DRM推行下去，會產生問題而引致影響完工日期？港鐵公司有沒有想過，即在2014年之前，有沒有想過會有delay的情況？

主席：

問題很清楚，梁先生，簡短回答，謝謝。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, now, thank you for that question.

As I mentioned to members and as highlighted in the reports, prior to April 2014, the executive of MTR, except the then Projects Director, and the Board of MTR were not aware of the delay beyond 2015.

主席：

好，第二輪，提問連回答5分鐘。盧偉國議員。

盧偉國議員：

多謝主席。主席，我想問梁先生，梁先生在先前7月15日的研訊中表示，2015年8月4日是高鐵香港段項目移交的預算日期，但是他也強調，這只是一個預算。在他的陳述書第32段，或者我讀出來，其實他有些字眼是這樣說："在第二份委託協議下，並無施加需在2015年8月4日前完成高鐵項目的絕對義務。反而，在第二份委託協議下"，他的字眼就是："港鐵公司需盡最大努力，根據委託計劃完成或促使完成高鐵項目，並減少任何延誤的影響。委託計劃可因應事變而作出修訂，包括(作為一項權利)基於承建商的延誤而導致承建商需要延長時間以履行其責任"。

我想問一問梁先生，這一個理解是否港鐵公司本身單方面的理解，還是港鐵公司與政府都有的共同理解？也就是說，是否雙方都覺得這是一個預算而已？究竟是如何釐定責任的呢？

主席：

是，問題清楚。你們與政府有共識，這只是一個預算？還是怎樣？謝謝。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, the Government's own IEP report also sets out very clearly the responsibility of the various parties, including MTR and the Government under the Entrustment Agreement. And it also sets out with regard to the timetable and the cost-to-complete, the methodologies and the mechanisms under which these timetable and the cost-to-complete can be adjusted. And therefore, the August 2015 original programme-to-complete is, as highlighted in the various reports, an estimate that can be subject to change. This is well highlighted in the Government's own IEP report, Chairman.

主席：

是。

盧偉國議員：

主席，我沒有進一步提問。

主席：

胡志偉議員。

胡志偉議員：

多謝主席，我有兩條問題。第一，我想問，因為今天梁先生的回應說得很清楚，他說勞工短缺對於5條鐵路計劃都有很大的影響，包括高鐵項目。但是，我們看到的結果卻有點不同，在這5條鐵路當中，高鐵出現嚴重的延誤，甚至超支驚人。其他的項目即使有延誤，也不是延誤太長的時間。我想問，在推展這5條鐵路時遇到人手短缺的問題，是用甚麼方法去克服困難，以致其他鐵路線可以如期或只是延誤短時間就完工，並且是within budget之內完成？偏偏就是高鐵不行，這是第一點。

第二點，其實在上一次我曾提一個問題，因為梁先生一直強調，在過往的會議，不論是政府也好，Executive Committee也好，其實都掌握整個工程造价的改變，連任何追趕落後、追趕延誤的措施所牽涉的相關成本都知道，只是在2014年4月公布高鐵超支之前，他們一直都認為應急的費用足以應付。我今天仍然想追問這一點，即中間的變化來得如此急，由本來足夠變成在2014年4月之後突然不足夠，這個是不是一個突如其來的訊息，還是其實之前已經有一些跡象，而這些跡象在政府的資料裏是可以掌握的？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, firstly, I would highlight that, in fact, unfortunately, all our existing rail projects are and have suffered some degree of delay. Apart from the Express Rail Link, some of those have been not insignificant. As members are aware, the Kwun Tong Line Extension and the South Island Line (East), which are currently projects ongoing, have also suffered delays and have also suffered from some of the common issues and common problems across the industry, which include the shortage of labour. We have disclosed and announced the latest estimates of the cost-to-complete and the programme-to-complete for those other ownership projects. And I think

members would find that, in terms of the cost-to-complete, there has also been, unfortunately, some increases in costs which are of a magnitude that may not be dissimilar to the increases that we are talking about for the Express Rail Link. So, there have been some costs and programme implications because of the common issues that pertain to the construction industry here in Hong Kong.

I would, secondly, add that the Express Rail Link itself is, as members are aware, a very complicated project. It is the first all-underground high-speed rail project in the world, I believe, and the West Kowloon Terminus, it expands on a floor plate of 11 hectares. We have, I believe, a construction floor area of 380 000 square metres. It is a very, very large project which adds to the complexity.

As for the member's second question with regard to the increase in costs situation for the Express Rail Link, as highlighted in the various reports and confirmed in all our reporting, up until March 2014, the Express Rail Link budget was still showing a contingency amount. In fact, up until March 2014, the amount of contingency shown was around HK\$3.75 billion. That was on the basis of the project being able to meet its original timetable. In April of 2014, a month after that, as members are aware, the executive of MTR, apart from the Projects Director, and Board of MTR were made aware of the delay in the schedule. As a result of that, our team was asked to do an assessment of the cost-to-complete. A delay is going to increase costs. So, therefore, up until March of 2014, the budget was still showing a contingency based on the old timetable to complete in August 2015. With the delay, that delay would increase costs and, therefore, it is because of that delay which has increased the cost of the Express Rail Link beyond the original budget.

主席：

是，好。或者最後一個問題由我問一問梁先生。根據我的理解，一般的工程都有一個期限，過了期限就可能會有罰則，諸如此類。現在聽梁先生剛才給我們的證供，2015年8月這個期限其實只是一個預測，在機制上是可以更改這個期限。我這樣理解對不對，其實這個工程是沒有期限，只有一個預測，即是工程在甚麼時候完成便在甚麼時候完成，這就是期限。是否應該這樣理解？是否應該這樣理解呢？梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman.

Under the Entrustment Agreement, which is well highlighted in the IEP report, it does note that the programme-to-complete is an estimate that is subject to and that can be changed under certain circumstances.

主席：

是，我不管那個 report，我的問題是向你問的，不是問 Panel。我的問題是，我這樣理解對不對，這個工程合約根本沒有期限，甚麼時候完成便甚麼時候完成，因為這只是一個預測而已？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, we always use our best endeavours to complete the project as quickly as possible under the Entrustment Agreement but the Entrustment Agreement itself has the programme-to-complete as an estimate that is and can be subject to change.

主席：

是，你要盡最大的努力去完成這項工程，但是你甚麼時候完成就是甚麼時候完成工程了，沒有一個期限，是嗎？即是你到2020年、2028年完成都可以，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, you know, once again, the programme in the Entrustment Agreement is an estimate and that estimate is subject to adjustments under certain circumstances. We, as the project manager, always use our best endeavours to complete the project in a shorter time as possible.

主席：

是，但沒有一個期限，是否這個意思？我的理解對不對？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

The estimated programme under the Entrustment Agreement is subject to adjustments in accordance with the Entrustment Agreement, Chairman.

主席：

所以我問你，是不是那個Entrustment Agreement內沒有一個期限？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, the Entrustment Agreement requires MTR to use its best endeavours to ... in our project management and the ...

主席：

不是，梁先生，問題是，不論有沒有期限，你都要use best endeavours，要盡最大的努力。我的問題很簡單，也很specific，其實這個Entrustment Agreement內是不是沒有一個期限？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I think, under the IEP report, it very clearly sets out that there are mechanisms to amend the Entrustment programme and those mechanisms are very clear, Chairman.

主席：

OK，OK。如果沒有其他問題的話，會議結束。梁先生，多謝你，如果有需要的話，我希望沒有需要，專責委員會將再次邀請你出席研訊。現在你可以退席，再次多謝你出席這次研訊。

香港鐵路有限公司行政總裁梁國權先生：

謝謝主席。

(研訊於下午12時30分結束)